

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

OAKWOOD MANAGEMENT COMPANY,	:	
	:	Case No. 2:19-cv-05510
Plaintiff,	:	
	:	JUDGE ALGENON L. MARBLEY
v.	:	
	:	Magistrate Judge Jolson
TONYA BROWN, et al.,	:	
	:	
Defendants.	:	

ORDER

This matter is before the Court on Defendants Tonya Brown, Ronald Brown, and Margene Lyons' Emergency Motion to Stay State Court Proceedings. (Doc. 2.) Defendants are currently being evicted from their home, and thus were sued in the Franklin County Municipal Court by Oakwood Management Company on August 21, 2019. Since then, the case has proceeded in the Ohio state courts. On December 18, 2019, however, Defendants filed a Notice of Removal with this Court, asserting that the Court has federal question jurisdiction over this case on the basis that Plaintiff and the state court judges are discriminating against them as Pro Se Defendants. Defendants maintain that they are not being treated the same as litigants who are represented by counsel.

From the face of Defendants' Notice of Removal and Emergency Motion to Stay, the Court is unable to determine that it has subject-matter jurisdiction over this case. *See McGhee v. Light*, 384 F. supp. 3d 894, 896 (S.D. Ohio 2019) ("Because federal courts are courts of limited jurisdiction, courts must presume that a cause lies outside this limited jurisdiction, and the burden of establishing the contrary rests upon the party asserting jurisdiction.") (internal quotations and

citations omitted). Indeed, the basis that Defendants assert for removal is wholly unconnected to the actual claims in the underlying eviction lawsuit. Furthermore, it does not appear that the eviction lawsuit itself raises questions of federal law. Accordingly, the Court **REMANDS** this action back to the Franklin County Municipal Court and **DENIES** Defendants' Emergency Motion to Stay State Court Proceedings [#2] as **MOOT**.

IT IS SO ORDERED.

/s/ Algenon L. Marbley
ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

DATED: January 2, 2020